

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants – Panchayat Raj Engineering Department – Sri N.Laxmi Rao the then Assistant Engineer, PR, Rampachodavaram, East Godavari District presently retired from service on 31.07.2011 – Irregularities in Execution of work "Providing road from Boduluru to Nukaletiwada via Checkawada & Potlawada under 12th Finance, RIAD" in East Godavari District - Departmental proceedings under Rule 9 of A.P. Revised Pension Rules 1980- Article of charges – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (Vig.II) DEPARTMENT

G.O.Rt.No. 991

Dated: 21.06.2013

Read the following:

1. From the GA (V&E) Dept., Vigilance Report No.107 (954/V&E/E2/2009-2), dt.17.12.2012.
2. From the ENC, PR, Hyd., Lr.No.Vig.II(2)/3159/2013, dt.10.04.2013
3. G.O.Ms.No.296 Panchayat Raj & Rural Development (Vig.II) Department, Dated: 21.05.2013.

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O R D E R:

In pursuance of the sanction accorded by the Government under sub clause (i) of clause (b) of sub-rule (2) of Rule 9 of Revised Pension Rules, 1980, for instituting departmental proceedings against Sri N. Laxmi Rao the then Assistant Engineer, PR, Rampachodavaram, East Godavari District now retired from service on 31.07.2011 vide G.O.Ms.No.296, PR&RD (Vig.II) Dept., dt.21.06.2013 it is proposed hold an inquiry against said Sri N. Laxmi Rao the then Assistant Engineer, PR, Rampachodavaram, East Godavari District now retired from service on 31.07.2011 in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules 1991.

2. The substance of the imputations of misconduct or mis-behaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-II & III).

3. Sri N.Laxmi Rao the then Assistant Engineer, PR, Rampachodavaram, East Godavari District now retired from service on 31.07.2011 is directed to submit a written statement of his defence before the disciplinary authority within Ten (10) days of the receipt of this Government Order.

4. Sri N.Laxmi Rao the then Assistant Engineer, PR, Rampachodavaram, East Godavari District now retired from service on 31.07.2011 is informed that an enquiry will be held only in respect of those article of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri N.Laxmi Rao the then Assistant Engineer, PR, Rampachodavaram, East Godavari District now retired from service on 31.07.2011 is further informed that if he does not submit his written statement of defence on or before the time specified in para-3 above, further action will be processed based on the material available.

6. Attention of Sri N.Laxmi Rao the then Assistant Engineer, PR, Rampachodavaram, East Godavari District now retired from service on 31.07.2011 is invited to Rule 24 of the Andhra Pradesh Civil Service (Conduct) Rules, 1964 under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the

Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule. 24 of the Andhra Pradesh Civil Service (Conduct) Rules, 1964.

7. The receipt of Government Order shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To

- 1) Sri N.Laxmi Rao the then Assistant Engineer, PR, Rampachodavaram, East Godavari District (now retired) through the Engineer-in-Chief, Panchayat Raj, Hyderabad.
- 2) The Engineer-in-Chief, Panchayat Raj, Hyderabad.
(with a request to return the acknowledged copy and WSD)

Copy to:

- 3) The General Administration (V&E) Department. (w.r. to VR No. 107 (954/V&E/E2/09-2, dated 17-12-2012)
- 4) The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Hyderabad.
- 5) SC/SF

// FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE - I

Statement showing the Article of Charges against Sri N.Laxmi Rao the then Assistant Engineer, PR, Rampachodavaram, East Godavari Dist now retired from service on 31.07.2011.

CHARGE:

That, Sri N.Laxmi Rao, the then Assistant Engineer, PR, Rampachodavaram, East Godavari District, now retired from service has misused his official position for his personal gain and committed the following allegations of irregularities in the execution of the work "Providing road from Boduluru to Nukaletiwada via Checkawada & Potlawada under 12th Finance, RIAD" resulting loss to the Govt., in contravening the APCS (Conduct) Rules, 1964.

- a) Executed the work and recorded the measurements without work order. Recommended payment for the items such as jungle clearance, earth work excavation etc., without any approved rate from the competent authority.
- b) Though 60 Mts of NP3 class RCC pipes were not supplied the same were recorded and recommended for payment.
- c) Obtained quotations worth Rs.1,42,15,248/- which is beyond the approval powers of SE and the quotations were for finished items of works which is against the departmental execution of work.

BASIS:

The V&E has inspected the work "Providing road from Boduluru to Nukaletiwada via Checkawada & Potlawada under 12th finance, RIAD" and communicated Report No.107 (954/V&E/E2/09-2), dt:17-12-12 and observed the following:

The work "Providing road from Boduluru to Nukaletiwada via Checkawada & Potlawada under 12th finance, RIAD" was administratively sanctioned vide G.O.Rt.No.74, PR & RD (Progs.II) Dept., dt:13-03-2007 for Rs.220.00 Lakhs. The same was technically sanctioned vide TSR No.NIL/07-08, dt:30-04-07 for Rs.220.00 Lakhs by the Chief Engineer, PR, RIAD. The Govt., have permitted to execute the work as per Departmental norms vide Govt Memo No.14115/Prog.II(2)/2007-1, dt:04-07-2007.

The V&E has inspected the work and made the following findings:

Obtained the quotations worth Rs.1,42,15,248/- which is beyond the approval powers and the quotations were for finished items of works which is against the departmental execution of work.

The Asst. Engineer has allowed to execute the work and recorded for the items Jungle Clearance, Earth work excavation without any approved rate from the competent authority, without any formal work order for supply of material/ labour, the work was started.

The first M.Book recording was done on or before 10-07-09 and 1st & Part bill was prepared on 24-10-2007 for Rs.20,07,809/- but the SE, PR, Kakinada approved the quotation of material supplier on 02-02-08 which is highly irregular as per norms.

Minimum requirements in selection of the material supplier/ labour were not followed, like eligibility of the Contractor in supply of material/labour, registration details and notification in the local papers for supply of material.

Formal agreement was not concluded with the material supplier for such a huge magnitude of work and there is no mention about the EMD to be collected, execution period, defect liability period, statutory deductions to be made and other contractual obligations.

Based on the SE, PR, Kakinada orders, payments were made to the material supplier as per estimated rates from CC 6th & part bill to CC 8th part bill and the payments from CC 1st to 5th bills were regularized duly adopting the estimated rates which are higher than the approved quotation rates.

The total value of work done is Rs.2,07,39,246/- (up to CC 8th & Part bill) and all the amounts were paid to the two individuals i.e Sri YTV Chalapathi Rao, Masupalli (V) being the material supplier and Sri YVB Swamynadhan, Madupalli (V) being the labour supplier which clearly establishes that the total work was executed by two individuals only and it can not be treated as departmental execution of work.

An amount of Rs.2,83,800/- is proposed as recovery towards deficiency in thickness of WBM Grade-III layer in KM.5, KM.7 & KM.9 and deficiency in GSB thickness in KM.5 & KM.7.

Oversize of Grade-II & III metal is observed in KM.5 and an amount of Rs.7,208/- is proposed as recovery towards usage of oversize metal.

BT extraction tests conducted on OGPC+SC samples in KM.7 & KM.9 revealed shortfall of BT content in KM.7 & KM.9 and an amount of Rs.1,27,917/- is proposed as recovery towards shortfall in BT content.

60mts. Of NP3 Class RCC pipes were not supplied, but the same were recorded and recommended for payment with malafied intention.

Thus, Sri N.Laxmi Rao, the then Asst. Engineer, Panchayat Raj, Rampachodavaram (now retired) has failed to discharge his legitimate duties properly and recorded the items without work order and obtained quotations beyond approval powers and the same are aimed at benefiting the material supplier and thus his action is in violation of APCS Rules.

Hence, the Charge.

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

SECTION OFFICER

ANNEXURE II

List of documents for which the articles of charges are proposed to be sustained

Vig & Enforcement Note No.107(954/V&E/E2/09-2), dt:17-12-2012.

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

SECTION OFFICER

ANNEXURE III

List of witnesses by whom the articles of charges are proposed to be sustained.

NIL

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

SECTION OFFICER